

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

STATE OF MARYLAND,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE *et al.*,

Defendants.

Civil Action No. 18-cv-2849 (ELH)

**DEFENDANTS' MOTION TO STAY RESPONSE TO COURT'S JANUARY 2, 2019  
ORDER IN LIGHT OF LAPSE IN APPROPRIATIONS**

The United States of America moves for a stay of its response to the Court's January 2, 2019 Order in the above-captioned case. As grounds for this request, the United States of America states the following:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. The undersigned did not initially file a stay motion in this matter as part of the Department's orderly shutdown given that the parties' respective motions, *i.e.*, Defendants' motion to dismiss and the State's preliminary injunction motion, have been briefed and argued and are pending disposition by the Court. The Court's January 2 Order now requires a response from Defendants by Wednesday, January 9.

3. Absent an appropriation, however, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice therefore requests a stay of the United States’ response to the Court’s January 2, 2019 Order until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. Opposing counsel has authorized counsel for the Government to state that Plaintiff opposes this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of its response to the Court’s January 2, 2019 Order until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 3, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General  
Civil Division

HASHIM M. MOOPAN  
BRETT A. SHUMATE  
Deputy Assistant Attorneys General

JENNIFER D. RICKETTS  
Branch Director

JEAN LIN

Acting Deputy Director

/s/ Tamra T. Moore

TAMRA T. MOORE

REBECCA CUTRI-KOHART

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, N.W.

Washington, DC 20005

Tel: (202) 305-8628

Email: Tamra.Moore@usdoj.gov

*Counsel for Defendants*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

STATE OF MARYLAND,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE *et al.*,

Defendants.

Civil Action No. 18-cv-2849 (ELH)

**[PROPOSED] ORDER**

Upon consideration of the United States' Motion to Stay Defendants' Response to the Court's January 2, 2019 Order, it is hereby ORDERED that the motion is GRANTED.

It is further ORDERED that counsel for Defendants shall notify the Court immediately as soon as Congress has appropriated funds for the Department at which time the Court will set a new date for the parties to file their respective responses to the Court's January 2, 2019 Order.

SO ORDERED.

Dated:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE